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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/524,205      | 03/13/2000  | Gilbert Allan Segal  | POPT-0002           | 7194             |

7590                    05/23/2003

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[REDACTED] EXAMINER

AKERS, GEOFFREY R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3624     |              |

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

|                             |                          |                              |
|-----------------------------|--------------------------|------------------------------|
|                             | Application<br>09/524705 | Applicant(s)<br><i>Jegel</i> |
| Examiner<br><i>Aker, A.</i> | Art Unit<br>3624         | Confirmation No.             |

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

Responsive to communication(s) filed on 5/2/03

This action is FINAL.  This action is non-final.

Since this application is in condition for allowance except for the formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

Claim(s) 21-89 is/are pending in this application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 21-89 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

The proposed drawing correction, filed on \_\_\_\_\_ is  approved or  disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.

The drawing(s) filed on \_\_\_\_\_ is/are  accepted or  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).

All  Some\*  None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received:

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  The translation of the foreign language provisional application has been received.

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_

Notice of References Cited, PTO-892

Notice of Draftsperson's Patent Drawing Review, PTO-948

Interview Summary, PTO-413

Notice of Informal Patent Application, PTO-152

Other \_\_\_\_\_

Art Unit: 3624

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is issued in response to Applicant's Response(Paper #11) filed 5/2/03.
2. No claims were deleted. None were added.No further were amended.
3. Claims 21-89 are pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 21-89 are rejected under 35 USC 103(a) as unpatentable over O'Shaughnessy(US Pat. 6,317,726) in view of Black(US Pat. No: 6,012,042) and further in view of Melnikoff(US Pat. No: 5,784,696).
6. As per amended independent claims 21,44-45,57-58,65,81 O'Shaughnessy teaches a method of identifying financial instruments meeting predetermined criteria(Abstract)(entire document) consisting of retrieving data from at least one data source(Fig 1/1-1)(Fig 2/2-1)(Fig 3/3-1)(Fig 4/4-1)(Fig 5/5-1)(Fig 12) and processing the financial instrument data to identify values for a set of searchable parameters corresponding to the investment criteria for particular financial instruments included in the financial instrument data(Fig 1/1-2/1-4/1-6/1-10/1-8/1-12)(Fig 2/2-

Art Unit: 3624

2/2-4/2-6/2-12/2-14)(Figs 3-5). O'Shaughnessy does not specifically teach accepting user defined search criteria for the searchable parameters. Black teaches user defined and selected analysis techniques which incorporates criteria inherently in the methods chosen(col 10 lines 57-67)(col 11 lines 8-11). It would have been obvious to one skilled in the art at the time of the invention to combine O'Shaughnessy in view of Black to teach the above. The motivation to combine is to teach an improved securities analysis system to facilitate the analysis of securities on a computer system that is user defined as enunciated by Black(col 2 lines 60-67)(col 10 lines 57-67). O'Shaughnessy does not specifically teach searching the values identified from the set of searchable parameters for values matching the user defined criteria. Melnikoff teaches this(Abstract)(col 5 line 63-col 6 line 3). O'Shaughnessy does not specifically teach identifying a set of financial instruments corresponding to values for the searchable parameters matching the user-defined search criteria. Melnikoff teaches this(col 5 line 31-col 6 line 40). It would have been obvious to one skilled in the art at the time of the invention to combine O'Shaughnessy in view of Black and further in view of Melnikoff to teach the above. The motivation to combine O'Shaughnessy in view of Black and further in view of Melnikoff is to teach a method for selection of groupings of securities based on risk definition and measurement as enunciated by Melnikoff(col 5 lines 25-37)(col 5 line 63-col 6 line 3).

7. As per amended dependent claims, 22-44,46-56,59-64,66-80,82-89 O'Shaughnessy teaches the trading of stocks(Abstract)(Figs 1-12) as well as bonds(Fig 17/17-2)(col 32 lines 18-30). O'Shaughnessy does not specifically teach the trading of derivatives and commodities. Black

Art Unit: 3624

teaches the trading of commodities and derivatives including options(col 1 lines 41-45)(col 2 lines 42-67) utilizing a network(col 10 lines 43-56) which incorporates bid-offer spread(Fig 1). O'Shaughnessey does teach stock volatility(col 11 lines 15-27)(col 12 lines 58-67) and Black teaches trading volume(Fig 1/12). It would have been obvious to one skilled in the art at the time of the invention to combine O'Shaughnessy in view of Black and further in view of Melnikoff to teach the above. The motivation to combine O'Shaughnessey in view of Black and further in view of Melnikoff is to teach a method for selection of groupings of securities based on risk definition and measurement as enunciated by Melnikoff(col 5 lines 25-37)(col 5 line 63-col 6 line 3).

*Response to Arguments*

8. Applicant's arguments with respect to claims 21-89 have been considered but are moot in view of the new ground(s) of rejection. However, the O'Shaughnessy reference is indeed prior art because it is a CIP of an application filed Dec 30,1997, where the provisional was filed December 30,1996 which predates applicant's disclosure.Furthermore, Black was filed in 8/1996 which is also prior art. Melnikoff was filed 6/6/95 which is also prior art. Black also teaches user defined and selected analysis techniques which incorporates criteria inherently in the methods chosen(col 10 lines 57-67)(col 11 lines 8-11).

*Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3624

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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10. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA  
  
May 20, 2003

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER